Supreme Court, U.S.
FILED

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NO. ~~OFFICE OF THE CLERK~~

IN The

Supreme Court of The United States

October Term 1997

Reza Foroohar,

Petitioner

V,

Supreme Court of the state of Illinois,et al

Respondents.

Petition for Writ of Certiorari

To the United States Court of

Appeals for seventh Circuit

PEtition for Writ of Certiorari

Reza Foroohar

C/O Foroohar,

146 Prairie view DR.

Palos PK.Ill 60464

36pp

QUESTION PRESENTED FOR REVIEW

Can judges and justices have judicial immunity when knowingly and intentionally violate rule and law and abuse judicial authority,in other word.are judges and justices above law?.and are not accountable to their illegal behavior?.

LIST OF PARTIES

Reza Foroohar,

Petitioner

V.

Supreme court,State Of Illinois

Appellate court of Illinois,First Judicial

District-First Division.

Judges: Richard H. Jorzak.Benjamin S.Mackoff,

Aurbery F. Kaplan,Richard Kelly,

Daniel Pascale,Nancy Sidotev Salyers,

Judicial Inquiry Board

Attorney Registration and Disciplinary

commission of supreme court of Illinois

Clerk of Circuit Court of Cook County

Law firm of Griffith & Jacobson

(Irving & James Jacobson).

Respondents.

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Bracy V.Gramy U.S.A,suprme court

June 1997

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OPINION BELOW

The OCT 16/1997,judgement order of the seventh circuit court of appeals,whose judgement is herein sought to be reviewed,is at No.97-2323 is unpublished and is reprinted in the appendix to this petition at PP.A-4,other order by above court on NOV.14/1997 is unpublished and is reprinted in the appendix PP.A-5.the prior orders of HON.robert W. Gettleman for United States District court Northern District Of Illinois at NO.97 C 2391 is Unpublished and reprinted in appendix of this petition at PP. A-2,A-3 and A-4.

JURISDICTION

the judgement of the seventh circuit court of appeals was entered on NOV.14/1997.The jurisdiction of this court is invoked to 28 U.S.C.§1254 (2)

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

this action was pursuant to 42 U.S.C.A §1983,on the basis that petitioner,s constitutional right for a fair trial been violated numerous times, because conspiracy between attorney and judges,and those illegal action were knowingly supported

by appellate court and supreme court of Illinois Contrary to their legal responsibility.Also In violation of 28 U.S.C.§1788 A(e),petitioner,s children been kidnapped for more than five years Statutory provision are set forth in the appendix At PP.A-6

STATEMENT OF CASE

BACK GROUND

1- Attorney Irving Jacobson,attorney for petitioner ex wife,filed a petition for divorce in circuit court of Cook county,instead in court of DuPage County,that petitioner,s family were living to have acquainted judges on case and get favorable judgement.

2- Attorney Jacobson in April 1985,filed a motion and ask court ,that case to be dismissed,that was done,In May 1985 attorney Jacobson filed a motion and ask court ,that case not to be dismissed,but put in dormant calender,because that is the BEST INTEREST of parties!.judge Richard H. Jorzak made judgement,with only one side in court,petitioner was not notify about court hearing.

3 - On Sept 1986,Attorney Jacobson ask Judge B. Mackoff to assign case!.judge Mackoff contrary to general order 15,3 of Circuit Court of Cook county that say: case assign as random: assigned case to judge A.Kaplan,that Attorney Jacobson wanted or in other word,fix case for attorney Jacobson!.

4 - Above court order,latter on was removed from file,microfilm of court order is missing!.Matter regard court order,been deleted from court,s computer!.clerk of court claim,that none of above action ever Happened!,even petitioner has prove for those action.

5 - Summon was served to petitioner after two years.

6 - Judge Kaplan denied discovery for petitioner ,because did not finished on time!,even judge Kaplan was told,summon was not served for two years!.for this kind of judgement was,that attorney Jacobson wanted case assign to judge A.Kaplan.

7 - Case was assign to judge Kelly by Judge Kaplan for trial,below are a few example,to show the way judge Kelly made judgement.

A - Attornay Jacobson in two instance to discredit

petitioner,s testimony,made false story and from that seek petitioner,s credibility.Petitioner with document prove,that he is lying,judge Kelly did nothing.

B - there was a prenuptual agreement,attorney Jacobson ask court,that his expert witness give deposition in LA.CA. and present to court video of that deposition.But after attorney Jacobson review that video,he ask court,instead showing video,he bring expert witness.Attorney Jacobson told court that his expert witness has PH.D.in Law!.Attorney Jacobson Billing show,that day before court hearing,he had six hours meeting with his expert witness,To prepare him,how to response in court!. Petitioner prove to court,that above expert witness committed perjury,by comparing,what he said in deposition and his response in court.Judge Kelly did nothing and even ordered,petitioner pay for attorney jacobson,s work,to prepare his expert witness to committing perjury!.judge Kelly found prenuptual agreement is a valid one,but gave all benefit of agreement to attorney Jacobson,s client

and impose the obligation of the agreement and Illinois legal obligation to petitioner,motion for reconsideration was denied!.according to prenuptual agreement,children,custody was with petitioner,but judge Kelly gave Joint custody and gave decision making to their mother!.

C - Northern trust bank allowed,petitioner,s exwife without petitioner authorization enter petitioner,s safety deposit box and remove valuable document, petitioner sue bank and bank sue her,attorney Jacobson defending her.At time of closing discovery attorney Jacobson did not mentioned,sue against bank as marital asset!.latter on judge Kelly in response to bank attorney,s motion,stated,that he does not make any ruling,regard safety deposit box. after three months that judge Kelly does not have jurisdiction in matter any more.when petitioner appeal court order,attorney Jacobson,day after received notice for appeal,file a fraudulent motion, in that motion ,attorney Jacobson ask court,since petitioner is out of state (false Statement) and petitioner sue against bank is a marital asset!.

and in absence of petitioner from state,sue may be dismiss,to prevent sue dismiss,that marital asset (petitioner sue against bank,that attorney Jacobson,s client is defendant),be awarded to attorney Jacobson,s client. Latter on attorney Jacobson told court,petitioner can not appeal as long as there is motion before court,and court did not decide about it,and that was the reason attorney Jacobson filed that fraudulent motion!, but before court decide about that fraudulent motion,Attorney James Jacobson (son and partner of Irving Jacobson),filed another motion and in that ask court to force petitioner to stipulate dismissal of sue with prejudice,in one motion ask court for an order that sue to be dismiss,the same time ask court for an order that sue not to be dismiss! or flip flop,this kind of action never tolerated in any court,but as petitioner was witness,is very common in circuit court of Cook County,and who is responsible?.other than those that allow these kind of action happen.Even judge Kelly did not have jurisdiction in the

matter any more,and without any hearing about the matter,and contrary to what presented by petitioner gave an order and awarded her for going to bank and removing valuable document of petitioner from safety deposit box. There are many more similar judgement,and that was the reason Attorney Jacobson filed this case in Circuit court of Cook County instead in court of DuPage County.

D - During case,petitioner had four attorneys but none of them,even file,petitioner response to petition for divorce!.even petitioner ask them many times.Complaint regard those attorneys to Attorney Registration and Disciplinary Commission of Illinois Supreme court the only agency in state responsible for attorney,s behavior,got nowhere.

SAMPLE OF COURT HEARING BEFORE JUDGE DANIEL PASCALE

on 3/21/92,attorney Jacobson filed a petition without filing notice of motion as required by S.C. rule,with court.Petition and notice of motion (that was not file with court,nor section of certificate and affidavit of delivery was filled) was

delivered to petitioner via messenger,one week before court hearing.Attorney Jacobson intention was,when petitioner could not be in court with short notice,drag case for sake of own pocket.On May 26,after two hours waiting in court to be call, case was post pond for June 1 . Latter on petitioner noticed,an. order by judge Pascale on May 26,that in one paragraph said:court dismiss, petitioner response to attorney Jacobson petition!. As court record will prove,there wasn,t any action regard our case on May 26.When and where,judge Pascale gave that order?,that attorney Jacobson put on order?.and when Judge did not gave any order in open court,why,he signed that order?. Petitioner received,copy of letter from attorney Jacobson to judge Pascale,Date May 25/92,in that letter comes:Enclose are the essential pleading which will be introduce in connection with pending petition for child support set for hearing on June 1/92:. How,on May 25,attorney Jacobson knew,that on May 26,after two hours waiting in court,case will post pond and next court hearing will be on

JUNE 1/92?.Because some connection between attorney Jacobson and judge Pascale!. Regard those essential pleading,practicing attorney for over forty years, knows ,that he can not present any document to court,without opposite side know about document. judge Pascale,knows,that as a judge,he can not accept any document without opposite side know-ledge.But in circuit court of Cook County nobody care about any rule and law!.

On June first,before case started,attorney Jacobson went to judge Pascale,s chamber and had meeting with him,even ex parte communication is not allow. After case started,judge Pascale told petitioner : I already,read your response and there is not need for your defense any more!: and gave judgement that already been decided in his chamber with attorney Jacobson!.Petitioner told judge Pascale your order will be appeal. Latter attorney Jacobson send a letter to petitioner,in that letter,Jacobson threat,petitioner,that if petitioner appeal above court order,he will get tougher court order against petitioner.copy of all related document

been presented to supreme court of Illinois,no action taken by supreme court!.

KIDNAPPING PETITIONER,S CHILDREN

Contrary to previous court order (joint custody and children not to be remove from state of Illinois),around end of June 92,children were taken to CA. by their mother,without leaving any phone or address for petitioner,and to keep their, s where about conceal from petitioner,attorney Jacobson officer of court!,wrote to former petitioner,s empolyer,that send monthly check to his address and he will send check to his client also he gave a false mail box address as his client address (registered mail to above address,return as unknown address),Attorney Jacobson said he charged $500.00 for three months for his service!. Petitioner paying child support,and part of that go to Attorney Jacobson,s pocket for helping to hide where about of petitioner,s children from petitioner!.

2 - Petitioner filed a motion with court,regard removing children,but after Attorney Jacobson called,children brought back before court hearing.

3 - Attoenay Jacobson on Oct 30,1992,with a fraudulent proof that petitioner been notified and without filing any petition with court,went before judge Daniel Pascale. above judge in violation of 28 U.S.C.§1788 A(e),that say : before a child custody determination is made,reasonable notice and opportunity to be heard shall be given to the contestant,any parent whom parental right have not been terminated and any person who has physical custody of child: without any petition before court and in absence of petitioner (because petitioner was not notify according to S.C.rule), gave an order and change joint custody.Order said : children can be removed from state of Illinois ,also if petitioner want to see his children,need court permission!:.Each time we go to court. attorney Jacobson charge for his time,and pass, some to judge,and that was ground for giving such order,or in other word,a form of ransom!. Order also said: by this move ,the best interest of children will serve!:.Moving children in middle of their education year and call that,The best

interest of children will served by such move:. Also order carried out threat of attorney Jacobson : do not appeal court order June 1 92 :.again to keep conceal,where about of petitioner,s children from petitioner,Attorney Jacobson wrote to former petitioner,s employer,that send monthly check to his office. Attorney Jacobson before going to court,knew out come of court hearing!.During trial Attorney Jacobson ask court for sake of children to stay in the same enviroment,school and friend court give family residence to his client.On OCT 29 1992,attorney Jacobson was attorney to sell the house and on Oct 30,92,he ask court to allow children to be removed from state of Illinois .Considering,Judge Pascale observing U.S.C.Statute and did not give above order.Where children were going to live?.But attorney Jacobson knew very well,that Judge Pascale will give order,because Mighty Dollar is above any law in Circuit court of Cook County. Judgement become enforceable after thirty days,but children were removed next day,not Waiting thirty days!.

3 - Petitioner attempt to vacate above court order, after more than two years got nowhere,as will explain below.

A - Judge pascale post pond court hearing,just because attorney Jacobson did not care about notice of motion and went for vacation!.

B - when petitioner told judge Kaplan,that do not know,where about his children for last eight months Judge Kaplan response was,that he does not care!. Only concern judge Kaplan had,to give order that Jacobson seeking!.Judge Kaplan three times,made judgement in this case,and in no instance,review file before making judgement!.Just give order ,That Jacobson ask for it.

c - Judge Nancy Salyers,ordered both side provide affidavit regard their address and phone, petitioner provided as court order said and handed to judge salyers,but Attorney Jacobson in continuous of hiding where about of petitioner,s children from petitioner,did not provide affidavit and to cover up his willful contempt of court order,without any document to prove his

claim,accuse petitioner,that few times commited violence act against his client!.petitioner file a motion and ask court,that sanction be entered against attorney Jacobson for his willful contempt of court order.Judge salyers did Nothing!. Petitioner ask for written deposition from attorney Jacobson,that was block by judge Salyers!. (obstruction of justice),after few more court hearing and one sided judgement,finally on last court hearing,judge Salyers did not allow petitioner present two motions,that has before court,and to legalize,illegal court order of OCT 30 1992,she gave an order,that Attorney Jacobson was seeking!.Without any petition before court!.

D - Petitioner followed his case in appellate court of Illinois,after two years,when appellate court decided,to prevent petitioner present his case to higher court on time,decree was not mail to petitioner,also appellate court mandate was not mail to clerk of circuit court for three months since legally,must send copy to petitioner as party of case,and petitioner was going to learn, that appellate court decided regard petitioner,s

appeal.Finally after three months copy of appellate ,court,s letter to clerk of circuit court was mail to petitioner by state attorney,s office!.numerous inquiry from appellate court (Judge Campbell) by petitioner regard above action,got nowhere.

E - Petitioner filed a motion and five subsequent motions for reconsideration with Illinois supreme court.those motions were denied by justice McMorrow of Cook County Only!,(petitioner has prove for that),Not seven member of Supreme court as expected!.She did not gave ground for her decision,even petitioner ask ground for denying.

Petitioner on July 1996,learned,that after petitioner filed motion with Illinois supreme court,and with document present the way judges of Circuit court of Cook County making judgement,judge Pascale and salyers were removed from domestic relation court,judge Pascale got administration assignment in Illinois supreme court by justice Bilindic,chief justice of supreme court at time, (justice Bilindic and judge Pascale used to be co worker in Chicago city hall,till Bilindic lost

election to unknown person by 83%,because a racist decision,he made as temporary mayor).

After,Judge Pascale assignment to Illinois supreme court,come this question,impartiality of Illinois Supreme Court in deciding petitioner,s motion?.

FILING COMPLAINT WITH FEDERAL COURT.

1 - Final order by Illinois supreme court Entered August 5 1995.

2 - On July 1996,petitioner learned that judge pascale and Salyers were removed from domestic relation court,after petitioner file motion with Illinois supreme court,means,Illinois supreme court acknowledge illegal actions by those judges.

3 - Judge Pascale move back to Circuit Court of Cook County,after petitioner send a letter to chief justice of Illinois Supreme Court.

4 - petitioner after failed to find an attorney to present this case in Federal court,filed a complaint with United States District Court for Northern District of Illinois,Eastern Division, Case # 97 C 2391.Complaint presented the way instructed by clerk of court for non lawyer

filing complaint with Federal court (state case in your own word),Date April 7 1997

5 - On April 9 1997,complaint was dismissed by court own motion!.court said;

A - The complaint fail to state a basis for Federal jurisdiction?. petitioner started his complaint with: Petitioner constitutional right for a fair trial been violated.

B - Also court said: to allege any facts that could possibly overcome the doctrine of judicial immunity?. Petitioner believe those action presented in complaint and in this motion,show, that judges misuse their judicial authority and judicial impartiality,and this is the reason petitioner ask this honorable court to settle the matter.Petitioner believe,court estabilished to deliver justice not to be a place to rip off citizen. like Illinois Court system.

6 - Petitioner file a motion for reconsideration of above court order.Court denied motion,also said: The matter about which plaintiff complaint were and should have been raised in the state court

either at the trial or appellate level:.
as record will prove,all those matter were presented in each level of Illinois court system. After petitioner with document presented those Illegal action to Illinois supreme court.two of judges were removed from domestic relation,but Illinois supreme court did not vacate those illegal court order,because indirectly accepting their own guilt,since both those judges were appointed as associated judge by supreme court,in fact by justice Bilindic and McMorrow.

7 - petitioner other motion was denied by District court on May 21/1997.

8 - On May 25 97,petitioner appealed District court finding to United States Court of Appeal for seventh Circuit NO. 97-2323.

Only Attorney General state of Illinois filed brief on behave of appellees.Legal duty of Attorney General is to defend,state,s law,but in above brief,Attorney General try to defend those,that violated state,s law!. Some of argument presented by Attorney General are as follow:

A - Federal Jurisdiction of Case?.

AS presented above,this action is pursuant to 42 U.S.C.A,§1983 and 28 U.S.C.§1788 A(e).

B - Petitioner ask District Court exercise Appellate jurisdiction?.

Not considering if petitioner has this intention, .Petitioner could appeal Illinois Supreme Court finding to U.S.A. supreme court.

C - The eleventh amendment precludes suit for damage against the state.

Not considering this ruling: eleventh amendment does not prohibit,action seeking prospective relief against state officers who are accused of violating Federal Statute or provision of the United States constitution (croy VS.White 457-US.28-72.ED 2d 694/1025 A 2325 (1982).

D - State official may not sue under section 1983.

Not considering,State official must not violate state or federal law,and those ,that violate law must be accountable to their Illegal action.

E - Excuse of two years statute of limitation.

AS record prove,petitioner,right after those

illegal action,followed case in Illinois court system,as presented in this petition and there was not any lapse from the time of those illegal actions till petitioner brought this action before Federal court.Till July 1996,petitioner could not prove,denying petitioner,s motion by Illinois supreme court was result of intention to support, protect and cover up those Illegal action not base of any law.Supreme court of Illinois by removing those judges,acknowledge,that,those judges abuse their judicial authority,but did not vacate their illegal court order opposite their legal responsibility,just to keep matter quiet.
Petitioner right after those court order,present and follow his case in Illinois court system,but could not image,wide spread of corruption in Illinois court system other wise filing in first place in Federal Court!.Most important,this action is against Illinois court system.Petitioner complaint that received damage from Illinois court System.Because judges and justices abuse judiciary authority.and final judgement (or action),by

Illinois supreme court was on August 5 1995,and filing this complaint is within two years statute of limitation.

9 - Petitioner ask from United States Court of Appeals for oral argument,That was denied.

10 - Motion for rehearing from United States Court of Appeals,that was denied.NOV.14/1997.

REASON FOR GRANTING THE WRIT

I

CERTIORARI SHOULD BE GRANTED TO RESOLVE AN IMPORTANT QUESTION THAT PETITIONER PRESENTED TO THIS HONORABLE COURT.

In violation of Federal Statute,petitioner,s children been kidnapped and petitioner do not know where about them for over five years,above illegal action was not reverse by Illinois supreme court against their legal responsibility to correct those actions.To protect their friend in lower court,in other word,Illinois supreme court is co-conspirator in criminal act of kidnapping petitioner,s children. According to statistic,in country,each year around THREE HUNDRED FIFTY

THOUSAND,children kidnapped by one of their parent ,that at least THREE HUNDRED FORTY THOUSAND of them,are result of attorneys and judges actions. (for sake to be able to rip off,those citizen that seek help from court to solve their problem, attorneys and judges do not hesitate to commit any criminal action).

TILL WHEN, Country allow,bunch of criminal judges and attorneys for sake of own pocket,misuse court system to torture parent and children?.

TILL WHEN,parental right for relation with their children will violate,because corruption of court system.

TILL WHEN, one of the parent disappear from children,s life,result of treatment that,they receive from bunch of corrupt judges and attorneys?.

TILL WHEN , many children have to grown with one parent around,result of situation that created by corrupt judges and attorneys?.

If The UNITED STATES SUPREME COURT grant certiorari ,not only.petitioner will be able to present his case to court,but will send this message,that this

kind of lawlessness will not tolerated any more, and violator will pay for their illegal act.

II

CERTIORARI SHOULD BE GRANTED TO GRANTEE THE CONSTITUTIONAL RIGHT OF PETITIONER FOR A FAIR TRIAL WILL BE PROTECTED.

Petitioner in this petition presented,that judges of Circuit court of Cook County,knowingly and intentionally did not observe rule and law at the time of making their judgement,eg which law say flip flop is allow in court of law?.or which law allow,any judge to hear case and make judgement with only one party in court,because opposite side was not notify?. or which law allow,any judge make judgement,when do not know about case?. Petitioner when presented his case to Illinois Supreme court,case was assigned by justice Bilindic to Justice McMorrow another Cook County,s justice to supreme court,and she was the only one deciding about petitioner,s motion not seven member of court,she did not gave ground for her decision because there was not any one.

Petitioner ask Illinois supreme court,validity of

court order,when there is not any related petition before court,or validity of court order in absence of one party in court hearing,because intentionally sending notice of motion in care of empolyer,even S.C. rule do not allow to send notice of motion for individual to empolyer,and attorney is well aware of that! but Supreme court or better to say Justice McMorrow instead give straight response just said: Motion deny!:.

Illinois court system,s judges and justice are arrogant and do not consider,they are accountable for their actions,and transfer court system to private club.

In case of Willam Bracy VS. Gramly,that was decided by this honorable court in June 1997,Honorable justice William Rehnquist wrote:

"Ordinarily,we presume that public official have properly discharged their public duties,but unfortunately this presumption has been soundly rebutted"

and that was adapted 9-0 by court,above case is another example of what is going in circuit court

Cook county. One quarter of death-raw inmate in country,that,as result of D.N.A. test found out were innocent,were from Illinois court system mostly victim of corrupt Circuit court of Cook County,s judges.

By granting certiorari,,The United States Supreme Court not only allow petitioner,s constitutional right for a fair trial be restore,and justice prevail civilize way,but send this message ,that no judges or justice are above law,and judges , justice are accountable for their INTENTINAL Violation of law.

CONCLUSION

for the foregoing reasons,petitioner respectfully prays that this petition for a writ of certiorari be granted

RESPECTFULLY SUBMITTED

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Date march 16/1998